

DECLARATION  
AND POWER OF ATTORNEY  
Original Application

DOCKET INFORMATION

444P1

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled ADHESON VARIANTS

, the specification of which

Check One

is attached hereto.

was filed on \_\_\_\_\_ as

Application Serial No. \_\_\_\_\_

and was amended on \_\_\_\_\_

I have read the applicable statutes and rules reprinted on the reverse side of this declaration which I understand to describe subject matter which is material under 37 CFR 1.56. I hereby state that I have reviewed and understand the contents of the above-identified specification, (a) including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a). I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Application Number	Country	Date of Filing	Priority Claimed Yes / / No / /
NONE			

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

Application Number	Date of Filing	Status—Patented, Pending or Abandoned
07/104,329	October 2, 1987	

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint as my attorneys, with full power of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Walter E. Buting	-	Reg. No. 23,092
Walter H. Dreger	-	Reg. No. 24,190
Janet E. Hasak	-	Reg. N. 28,616
Max D. Hensley	-	Reg. No. 27,043
Dennis G. Kleid	-	Reg. N. 32,037

Send Correspondence to: GENENTECH, INC. 460 Point San Bruno Blvd. So. San Francisco, CA 94080		Direct Telephone Calls to: Max D. Hensley (415) 266-1994	
---	--	---	--

201	FULL NAME OF INVENTOR	Full First Name <b>DANIEL</b>	Middle Initial(s) <b>J.</b>	Last Name <b>CAPON</b>
	RESIDENCE & CITIZENSHIP	City <b>San Mateo</b>	State or Foreign Country <b>California</b>	Country of Citizenship <b>USA</b>
	POST OFFICE ADDRESS	Post Office Address <b>817 Oregon Ave.</b>	City <b>San Mateo</b>	State or Country <b>California</b>

202	FULL NAME OF INVENTOR	Full First Name <b>TIMOTHY</b>	Middle Initial(s) <b>J.</b>	Last Name <b>GREGORY</b>
	RESIDENCE & CITIZENSHIP	City <b>Hillsborough</b>	State or Foreign Country <b>California</b>	Country of Citizenship <b>USA</b>
	POST OFFICE ADDRESS	Post Office Address <b>414 Pinehill Road</b>	City <b>Hillsborough</b>	State or Country <b>California</b>

203	FULL NAME OF INVENTOR	Full First Name	Middle Initial(s)	Last Name
	RESIDENCE & CITIZENSHIP	City	State or Foreign Country	Country of Citizenship
	POST OFFICE ADDRESS	Post Office Address	City	State or Country

204	FULL NAME OF INVENTOR	Full First Name	Middle Initial(s)	Last Name
	RESIDENCE & CITIZENSHIP	City	State or Foreign Country	Country of Citizenship
	POST OFFICE ADDRESS	Post Office Address	City	State or Country

205	FULL NAME OF INVENTOR	Full First Name	Middle Initial(s)	Last Name
	RESIDENCE & CITIZENSHIP	City	State or Foreign Country	Country of Citizenship
	POST OFFICE ADDRESS	Post Office Address	City	State or Country

206	FULL NAME OF INVENTOR	Full First Name	Middle Initial(s)	Last Name
	RESIDENCE & CITIZENSHIP	City	State or Foreign Country	Country of Citizenship
	POST OFFICE ADDRESS	Post Office Address	City	State or Country

207	FULL NAME OF INVENTOR	Full First Name	Middle Initial(s)	Last Name
	RESIDENCE & CITIZENSHIP	City	State or Foreign Country	Country of Citizenship
	POST OFFICE ADDRESS	Post Office Address	City	State or Country

Signature of Inventor 201	Signature of Inventor 202
X <i>David J. Capon</i> Date X 9/26/88	<i>Timothy J. Gregory</i> Date 9/28/88

Signature of Inventor 203	Signature of Inventor 204
Date	Date

Signature of Inventor 205	Signature of Inventor 206
Date	Date

(Signatures should conform to names as presented at 201 et seq. above)

APPLICABLE STATUTES & RULES

**37 CFR 1.56 DUTY OF DISCLOSURE; FRAUD; STRIKING OR REJECTION OF APPLICATIONS.**

(a) A duty of candor and good faith toward the Patent and Trademark Office rests on the inventor, on each attorney or agent who prepares or prosecutes the application and on every other individual who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. All such individuals have a duty to disclose to the Office information they are aware of which is material to the examination of the application. Such information is material where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. The duty is commensurate with the degree of involvement in the preparation or prosecution of the application.

Information relating to the following factual situations enumerated in 35 USC 102 and 103 should be considered material under 37 CFR 1.56(a):

**35 U.S.C. 102. CONDITIONS FOR PATENTABILITY; NOVELTY AND LOSS OF RIGHT TO PATENT**

A person shall be entitled to a patent unless—

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent, or

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or

(c) he has abandoned the invention, or

(d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States, or

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or

(f) he did not himself invent the subject matter sought to be patented, or

(g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

**35 U.S.C. 103. CONDITIONS FOR PATENTABILITY; NON-OBVIOUS SUBJECT MATTER**

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**35 U.S.C. 119. BENEFIT OF EARLIER FILING DATE IN FOREIGN COUNTRY; RIGHT OF PRIORITY (Applicable Portion)**

An application for patent for an invention filed in this country by any person who has, or whose legal representatives or assigns have, previously regularly filed an application for a patent for the same invention in a foreign country which affords similar privileges in the case of applications filed in the United States or to citizens of the United States, shall have the same effect as the same application would have if filed in this country on the date on which the application for patent for the same invention was first filed in such foreign country, if the application in this country is filed within twelve months from the earliest date on which such foreign application was filed; but no patent shall be granted on any application for patent for an invention which has been patented or described in a printed publication in any country more than one year before the date of the actual filing of the application in this country, or which had been in public use or on sale in this country more than one year prior to such filing.

**35 U.S.C. 120. BENEFIT OF EARLIER FILING DATE IN THE UNITED STATES**

An application for patent for an invention disclosed in the manner provided by the first paragraph of section 112 of this title in an application previously filed in the United States, or as provided by section 363 of this title, by the same inventor shall have the same effect, as to such invention, as though filed on the date of the prior application, if filed before the patenting or abandonment of or termination of proceedings on the first application or on an application similarly entitled to the benefit of the filing date of the first application and if it contains or is amended to contain a specific reference to the earlier filed application.

**35 U.S.C. 112. SPECIFICATION (Applicable Portion)**

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification shall conclude with one or more claims particularly pointing out and distinctive claiming the subject matter which the applicant regards as his invention.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Rule 60 Continuation Application of ) Prior Application Examiner: J. Ulm  
Daniel J. Capon et al. ) Group Art Unit: 1812  
Serial No. 08/236,311 )  
Filed: 02 MAY 1994 )  
For: ADHESON VARIANTS )  
 )  
 )  
 )

POWER OF ATTORNEY BY ASSIGNEE

Honorable Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

Genentech, Inc., assignee of record of the captioned application, hereby revokes all previous Powers of Attorney and appoints the following as its principal attorney(s) or agent(s) with full power of substitution to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith.

Walter E. Buting - Reg. No. 23,092  
Ginger R. Dreger - Reg. No. 33,055  
Renee A. Fitts - Reg. No. 35,136  
Janet E. Hasak - Reg. No. 28,616  
Sean A. Johnston - Reg. No. 35,910  
Dennis G. Kleid - Reg. No. 32,037

Jeffrey S. Kubinec - Reg. No. 36,575  
Stephen Raines - Reg. No. 25,912  
Richard B. Love - Reg. No. 34,659  
Diane L. Marschang - Reg. No. 35,600  
Daryl B. Winter - Reg. No. 32,637  
Timothy E. Torchia - Reg. No. 36,700

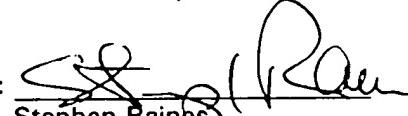
Correspondence should be directed to the appropriate attorney or agent at 460 Point San Bruno Boulevard, South San Francisco, California 94080.

This document also serves to ratify, with present and retroactive effect, all acts taken in the application by the above named attorneys or agents, who acted in accordance with 37 CFR § 1.143(a).

Respectfully submitted,

GENENTECH, INC.

Date: May 5, 95

By:   
Stephen Raines  
Reg. No. 25,912

460 Pt. San Bruno Blvd.  
So. San Francisco, CA 94080-4990  
Phone: (415) 225-1705  
Fax: (415) 952-9881